IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7278 OF 2005

Prakash S/o.Sopanrao Shinde
and Anr. .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.P.M.Chakurkar for applicants
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 1st December 2005.
P.C.

. Heard Mr.Chakurkar for applicants and Mr.Saste, A.P.P. for respondent. Perused the application and the annexures thereto.

2. I had passed an order on 28th November 2005 recording statement of the applicants that they would be attending concerned police station every day till this application is heard further.

3. I am informed by both learned Advocates for applicants as also respondent that applicants have attended police station. Applicant No.1 is serving as a Clerk in the Bhivandi Court. According to applicant No.1 he has lost his son in the floods of 26th July 2005 and he had not created any bogus documents to claim compensation. He has annexed certain certificates. Applicant No.1 states that he has no criminal antecedents and this is a case where custodial interrogation is not necessary. He is willing to cooperate and attend police station as and when summoned. So also he has expressed his willingness to hand over all documents which are called for by the investigating agency.

4. In the light of the averments in the application and considering the fact that applicant No.1 is working in Bhivandi Court and willing to cooperate with the investigation, this is a fit case for grant of anticipatory bail.

More so, when the offences that are alleged are under section 467 and 420 arising out of cross complaint initially lodged by the applicant No.1 for missing child. Accordingly, following order:-

i) In the event of the arrest of the applicants in connection with C.R.No.173 of 2005 registered with Kolshewadi Police Station, the applicants shall be enlarged on bail in the sum of Rs.2500/- with one or two sureties in the like amount.

ii) Applicant No.1 only shall report to Kolshewadi police station as and when summoned till the charge sheet is filed.

iii) Applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to

dissuade him from disclosing such facts to the Court or to the police officer. Applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter they will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)